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Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

[FCA Order No. 442]

PART 3—FUNCTIONS OF ADMINISTRATIVE OFFICERS

OFFICERS OF THE REVOLVING FUND; FUNC- TIONS AND DUTIES OF DIRECTOR

Section 3.60, Title 6, Code of Federal Regulations, is amended to read as follows:

§ 3.60 *Functions and duties of Director of the Revolving Fund.* The Director of the Revolving Fund is authorized and empowered: (a) To accept or reject applications for loans from the Revolving Fund authorized by the Agricultural Marketing Act (46 Stat. 11; 12 U. S. C. 1141-1141j), in whole or in part, and to make commitments therefor; to designate such officers of the Revolving Fund section as he may deem necessary and to prescribe their authority and duties; to execute, either in person or through such officer as he may authorize, instruments for the release, modification, renewal, or revival of real and chattel mortgages, pledges, and other lien instruments, and such other documents as may be necessary to carry out the functions of his office, and all such instruments and documents heretofore executed are ratified and confirmed; and to perform any and all functions and duties, in accordance with law, which the Governor of the Farm Credit Administration is authorized to perform with respect to the administration of the Revolving Fund Section of Farm Credit Administration and of the Agricultural Marketing Act Revolving Fund, except the signing of vouchers for the disbursement of money from the Revolving Fund; and (b) to perform any and all functions and duties, in accordance with law, which the Governor of Farm Credit Administration is authorized to perform under the regulations of the Secretary of Agriculture issued pursuant to the provisions of an act of Congress approved December 20, 1944 (58 Stat. 836; 12 U. S. C., Sup. V, 1150-1150c), insofar as the said act and regulations apply to indebtedness admin-

istered by the Revolving Fund Section, and to redelegate any or all of said functions and duties in accordance with said regulations.

(58 Stat. 836, 12 U. S. C., Sup. 1150-1150c; E. O. 6084, Mar. 27, 1933, 6 CFR 1.1; 6 CFR 1945 Supp. 01.5, 10 F. R. 809; Sec. Memos. 846, Jan. 6, 1940; 1086, Apr. 26, 1943)

[SEAL]

J. E. WELLS, JR.,
Acting Governor.

[F. R. Doc. 46-21998; Filed, Dec. 30, 1946;
8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Lemon Reg. 202]

PART 953—LEMONS GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.309 *Lemon Regulation 202—(a) Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the regulation is based became available and the time when this regulation must become effective in order to effectuate the declared

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policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., December 29, 1946, and ending at 12:01 a. m., p. s. t., January 5, 1947, is hereby fixed at 250 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "boxes," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such word in the said marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 26th of December 1946.

[SEAL]

S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

Storage Date: December 15, 1946.

Regulation Period No. 202.

12:01 A. M. Dec. 22, 1946 to 12:01 A. M. Jan. 5, 1947

Handler	Prorate base percent
Total	100.000
Allen-Young Citrus Packing Co.	.023
American Fruit Growers, Fullerton	.375
American Fruit Growers, Lindsay	.000
American Fruit Growers, Upland	.222
Consolidated Citrus Growers	.066
Corona Plantation Co.	.301
Hazeltine Packing Co.	.809
Leppa-Pratt, Produce Distrib., Inc.	.066
McKellips, C. H.-Phoenix Citrus Co.	.028
McKellips Mutual Citrus Growers, Inc.	.494
Phoenix Citrus Packing Co.	.028
Ventura Coastal Lemon Co.	1.502
Ventura Pacific Co.	1.289
Total A. F. G.	5.203
Arizona Citrus Growers	.934
Desert Citrus Growers Co., Inc.	.183
Mesa Citrus Growers	1.431
Elderwood Citrus Association	.404
Klink Citrus Association	2.503
Lemon Cove Association	3.239
Glendora Lemon Growers Association	.908
La Verne Lemon Association	.275
La Habra Citrus Association	.888
Yorba Linda Citrus Association, The	.300
Alta Loma Heights Citrus Association	.625
Etiwanda Citrus Fruit Association	.742
Mountain View Fruit Association	.274
Old Baldy Citrus Association	1.283
Upland Lemon Growers Association	2.632
Central Lemon Association	.567

PRORATE BASE SCHEDULE—Continued

Handler	Prorate base percent
Irvine Citrus Association	0.639
Placentia Mutual Orange Association	.362
Corona Citrus Association	.284
Corona Foothill Lemon Co.	.966
Jameson Co.	.675
Arlington Heights Fruit Co.	.736
College Heights Orange & Lemon Association	2.314
Chula Vista Citrus Association, The	1.102
El Cajon Valley Citrus Association	.349
Escondido Lemon Association	5.149
Fallbrook Citrus Association	1.590
Lemon Grove Citrus Association	.640
San Dimas Lemon Association	1.271
Carpinteria Lemon Association	3.497
Carpinteria Mutual Citrus Association	4.068
Goleta Lemon Association	3.244
Johnston Fruit Co.	7.491
North Whittier Heights Citrus Association	.582
San Fernando Heights Lemon Association	2.328
San Fernando Lemon Association	.919
Sierra Madre-Lamanda Citrus Association	1.476
Tulare County Lemon & Grapefruit Association	1.411
Briggs Lemon Association	1.179
Culbertson Investment Co.	.845
Culbertson Lemon Association	1.415
Fillmore Lemon Association	1.613
Oxnard Citrus Association No. 1	2.514
Oxnard Citrus Association No. 2	2.251
Rancho Sespe	.276
Santa Paula Citrus Fruit Association	2.572
Saticoy Lemon Association	3.162
Seaboard Lemon Association	2.551
Somis Lemon Association	.000
Ventura Citrus Association	1.240
Limoneira Co.	1.997
Teague-McKevett Association	.572
East Whittier Citrus Association	.557
Leffingwell Rancho Lemon Association	.000
Murphy Ranch Co.	.667
Whittier Citrus Association	.796
Whittier Select Citrus Association	.235
Total C. F. G. E.	82.723
Arizona Citrus Products Co.	.680
Chula Vista Mutual Lemon Association	1.382
Escondido CoOp. Citrus Association	.475
Glendora CoOp. Citrus Association	.266
Index Mutual Association	.163
La Verne CoOp. Citrus Association	1.743
Libbey Fruit Packing Co.	.184
Orange CoOp. Citrus Association	.152
Pioneer Fruit Co.	.101
Tempe Citrus Co.	.049
Ventura Co. Orange & Lemon Association	1.784
Whittier Mutual Orange & Lemon Association	.222
Total M. O. D.	7.201
Abbate, Chas. Co., The	.334
Atlas Citrus Packing Co.	.000
California Citrus Groves, Inc., Ltd.	.034
El Modena Citrus, Inc.	.000
Evans Brothers Pkg. Co.—Riverside	.462
Evans Brothers Pkg. Co.—Sentinel	.097
Butte Ranch	.000
Foothill Packing Co.	.000
Harding & Leggett	1.174
Orange Belt Fruit Distributors	1.654
Potato House, The	.012
Raymond Bros.	.000
Rooke, B. G., Packing Co.	.012
San Antonio Orchard Co.	.213
Sun Valley Packing Co.	.020
Sunny Hills Ranch, Inc.	.551

PRORATE BASE SCHEDULE—Continued

Handler	Prorate base percent
Valley Citrus Packing Co.	0.000
Verity, R. H., Sons & Co.	.158
Western States Fruit & Produce Co.	.152
Total Independents	4.873

[F. R. Doc. 46-22025; Filed, Dec. 27, 1946; 12:32 p. m.]

[Orange Reg. 158]

PART 966—ORANGES GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.304 *Orange Regulation 158—(a) Findings.* (1) Pursuant to the provisions of the order (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., December 29, 1946, and ending at 12:01 a. m., p. s. t., January 5, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate Districts Nos. 1, 2, and 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1, 700 carloads; (b) Prorate District No. 2, 150 carloads; and (c) Prorate District No. 3, 40 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used herein, "handled", "handler", "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in §966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 26th day of December 1946.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

12:01 A. M. Dec. 29, 1946 to 12:01 A. M.
Jan. 5, 1947

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1		Prorate base percent
Handler		
Total		100.0000
A. F. G. Lindsay	1.8098	
A. F. G. Porterville	2.1940	
Cooperative Citrus Association	.7002	
Dofflemyer, W. T.	.5395	
Elderwood Citrus Association	1.2356	
Exeter Citrus Association	2.8259	
Exeter Orange Growers Association	.6387	
Exeter Orchards Association	1.0290	
Hillside Packing Corp.	1.6158	
Ivanhoe Mutual Orange Association	1.1277	
Klink Citrus Association	4.6218	
Lemon Cove Association	1.4236	
Lindsay Citrus Growers Association	2.7439	
Lindsay Coop. Citrus Association	1.4254	
Lindsay District Orange Co.	1.4277	
Lindsay Fruit Association	1.9602	
Lindsay Orange Growers Association	.6912	
Naranjo Packing House Co.	.9153	
Orange Cove Citrus Association	3.2809	
Orange Packing Co.	1.0763	
Orosi Foothill Citrus Association	1.3117	
Paloma Citrus Fruit Association	1.1049	
Pogue Packing House, J. E.	.6745	
Rocky Hill Citrus Association	2.0999	
Sanger Citrus Association	3.1180	
Sequoia Citrus Association	.8542	
Stark Packing Corp.	2.4161	
Visalia Citrus Association	.6568	
Waddell & Son	1.9095	
Butte County Citrus Association, Inc.	.8238	
James Mills Orchard Corp.	1.1471	
Orland Orange Growers Association, Inc.	.6833	
Baird-Neece Corp.	1.6345	
Beattie Association, Agnes M.	.6412	
Grand View Heights Citrus Association	1.9692	
Magnolia Citrus Association	2.2039	
Porterville Citrus Association	1.3656	
Richgrove-Jasmine Citrus Association	1.4557	
Sandilands Fruit Co.	1.0594	
Strathmore Coop. Association	1.6248	
Strathmore District Orange Association	1.5608	
Strathmore Fruit Growers Association	1.1222	
Strathmore Packing House Co.	1.3823	
Sunflower Packing Corp.	2.1897	
Sunland Packing House	2.6530	
Terra Bella Citrus Association	1.3242	
Tule River Citrus Association	1.1429	
Jensen, M. N.	2.2481	
Kroells Brothers, Ltd.	1.3649	
Lindsay Mutual Groves	1.8031	
Martin, J. D.	1.1038	
Stivers Packing Co.	.7565	
Woodlake Packing House	1.6789	
R. M. C. Porterville	1.8476	

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base percent
Abbate Co., The Chas.	0.9044
Anderson Packing Co., R. M.	.6230
Baker Bros.	.1013
California Citrus Growers, Inc., Ltd.	1.7967
Chess Co., Meyer W.	.2778
Edison Groves Co.	.0000
Edison Orange Growers Association	.0000
Evans Bros. Packing Co.	1.4509
Furr, N. C.	.3371
Ghianda Ranch	.0223
Harding & Leggett	1.4004
Lo Bue Bros.	.4429
Marks, W. & M.	.4591
Raymond Bros.	.1362
Reimers, Don H.	.2346
Rooke Packing Co., B. G.	3.2575
Snyder & Sons Co., W. A.	.8177
Toy, Chin	.0684
Webb Packing Co., Inc.	.9024
Western States Fruit & Produce Co.	.2384
Wollenman Packing Co.	.7766
Woodlake Heights Packing Corp.	.8700
Zaninovich Bros., Inc.	.6677

Prorate District No. 2

Total	100.0000
A. F. G. Alta Loma	.3137
A. F. G. Fullerton	.0489
A. F. G. Orange	.0348
A. F. G. Redlands	.3637
A. F. G. Riverside	.8946
Corona Plantation Co.	.9577
Hazeltine Packing Co.	.0909
Signal Fruit Association	.7565
Azusa Citrus Association	.8485
Azusa Orange Co., Inc.	.1165
Dameler-Allison Co.	1.0450
Glendora Mutual Orange Association	.5450
Irwindale Citrus Association	.4044
Puente Mutual Citrus Association	.0552
Valencia Heights Orchards Association	.2424
Covina Citrus Association	1.4896
Covina Orange Growers Association	.6810
Duarte-Monrovia Fruit Exchange	.4153
Glendora Citrus Association	.7794
Glendora Heights O. & L. Growers Association	.1823
Gold Buckle Association	3.0648
La Verne Orange Association, The	4.6961
Anaheim Citrus Fruit Association	.0537
Anaheim Valencia Orange Association	.0146
Eadington Fruit Co., Inc.	.2983
La Habra Citrus Association	.1281
Orange Co. Valencia Association	.0224
Orangethorpe Citrus Association	.0209
Placentia Coop. Orange Association	.0449
Yorba Linda Citrus Association, The	.0230
Alta Loma Heights Citrus Association	.3665
Citrus Fruit Growers	.9673
Cucamonga Citrus Association	.5952
Etiwanda Citrus Fruit Association	.2136
Mountain View Fruit Association	.1352
Old Baldy Citrus Association	.4016
Rialto Heights Orange Growers	.4525
Upland Citrus Association	2.4735
Upland Heights Orange Association	1.1156
Consolidated Orange Growers	.0267
Garden Grove Citrus Association	.0184
Goldenwest Citrus Association, The	.0785
Olive Heights Citrus Association	.0391
Santa Ana-Tustin Mutual Citrus Association	.0246
Santiago Orange Growers Association	.1596

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base percent
Tustin Hills Citrus Association	0.0287
Villa Park Orchards Association, Inc., The	.0333
Bradford Brothers, Inc.	.2172
Placentia Mutual Orange Association	.1603
Placentia Orange Growers Association	.2771
Call Ranch	.7212
Corona Citrus Association	.6968
Jameson Company	.3849
Orange Heights Orange Association	.8244
Break & Son, Allen	.2847
Bryn Mawr Fruit Growers Association	1.1070
Crafton Orange Growers Association	1.4482
E. Highlands Citrus Association	.4315
Fontana Citrus Association	.4666
Highland Fruit Growers Association	.6883
Krinard Packing Co.	1.7532
Mission Citrus Association	.7065
Redlands Coop. Fruit Association	1.7434
Redlands Heights Groves	.7649
Redlands Orangedale Association	.8178
Redlands Orange Growers Association	1.1322
Redlands Select Groves	.5909
Rialto Citrus Association	.5617
Rialto Orange Co.	.3184
Southern Citrus Association	.9146
United Citrus Growers	.7648
Zilen Citrus Co.	1.0583
Arlington Heights Fruit Co.	.4679
Brown Estate, L. V. W.	1.7468
Elephant Orchards	.0353
Gavilan Citrus Association	1.6144
Hemet Mutual Groves	.2908
Highgrove Fruit Association	.7884
McDermont Fruit Co.	1.6593
Mentone Heights Association	.8481
Monte Vista Citrus Association	1.0848
National Orange Co.	.8516
Riverside Heights Orange Growers Association	1.3397
Sierra Vista Packing Association	.6832
Victoria Avenue Citrus Association	2.3349
Claremont Citrus Association	1.1081
College Heights O. & L. Association	.9556
El Camino Citrus Association	.6054
Indian Hill Citrus Association	1.4103
Pomona Fruit Growers Association	1.8805
Walnut Fruit Growers Association	.4247
West Ontario Citrus Association	1.7295
El Cajon Valley Citrus Association	.3681
Escondido Orange Association	.4778
San Dimas Orange Growers Association	1.0612
Ball & Tweedy Association	.1222
Canoga Citrus Association	.0517
N. Whittier Heights Citrus Association	.0987
San Fernando Fruit Growers Association	.2517
San Fernando Heights Orange Association	.2721
Sierra Madra Lamanda Citrus Association	.1975
Camarillo Citrus Association	.0084
Fillmore Citrus Association	1.0783
Ojai Orange Association	.8608
Piru Citrus Association	1.0290
Santa Paula Orange Association	.0974
East Whittier Citrus Association	.0143
El Ranchito Citrus Association	.0370
Rivera Citrus Association	.0502
Whittier Citrus Association	.1813
Whittier Select Citrus Association	.0516
Anaheim Coop. Orange Association	.0481
Bryn Mawr Mutual Orange Association	.4921

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—
continued

Prorate District No. 2—Continued

Handler	Prorate base percent
Chula Vista Mutual Lemon Association	0.1259
Escondido Coop. Citrus Association	.0868
Euclid Avenue Orange Association	2.0622
Foothill Citrus Union, Inc.	.1020
Fullerton Coop. Orange Association	.0461
Garden Grove Orange Coop.	.0334
Glendora Coop. Citrus Association	.0891
Golden Orange Groves, Inc.	.4354
Highland Mutual Groves, Inc.	.5311
Index Mutual Association	.0034
La Verne Coop. Citrus Association	2.3202
Olive Hillside Groves, Inc.	.0282
Orange Coop. Citrus Association	.0530
Redlands Foothill Groves	2.0415
Redlands Mutual Orange Association	1.0619
Riverside Citrus Association	.4733
Ventura County O. & L. Association	.1817
Whittier Mutual O. & L. Association	.0561
Babyljuice Corp. of Calif.	.2278
Banks Fruit Co.	.2569
California Fruit Distributors	.1227
Cherokee Citrus Co., Inc.	1.5102
Chess Co., Meyer W.	.2805
El Modena Citrus, Inc.	.0853
Evans Bros. Packing Co.	.7580
Gold Banner Association	1.8691
Granada Packing House	.8498
Hill, Fred A.	.6637
Inland Fruit Dealers, Inc.	.2781
Orange Belt Fruit Distributors	2.1201
Paramount Citrus Association	.1937
Placentia Pioneer Valencia Growers Association	.2334
Riverside Growers, Inc.	.0654
San Antonio Orchards Association	.6503
Snyder & Sons Co., W. A.	1.3003
Torn Ranch	.8554
Verity & Sons Co., R. H.	.0416
Wall, E. T.	.1023
Western Fruit Growers, Inc., Redlands	1.5155
Yorba Orange Growers Association	2.9026
	.0289
Prorate District No. 3	
Total	100.0000

Allen-Young Citrus Packing Co.	1.1240
Consolidated Citrus Growers	5.3292
Leppa-Pratt Produce Distributors, Inc.	5.4135
McKellips Mutual Citrus Growers, Inc.	14.1969
McKellips Phoenix Citrus Co., C. H.	2.8530
Phoenix Citrus Packing Co.	2.4146
Arizona Citrus Growers	24.0473
Bumstead, Dale	.0000
Desert Citrus Growers	3.2156
Mesa Citrus Growers	17.3646
Yuma Mesa Fruit Growers Association	.0000
Arizona Citrus Products	2.6228
Libbey Fruit Packing Co.	6.4425
Pioneer Fruit Co.	5.2008
Tempe Citrus Co.	2.3788
Arthur & Son, J. E.	.4947
Champion Produce House, L. M.	.0968
Commercial Citrus Packing Co.	.9720
Dhuyvetter Bros.	.1300
Ishikawa, Paul	.1907
Macchiaroli Fruit Co., James	.0000
Morris Bros. Fruit Co.	.0000
Orange Belt Fruit Distributors	.1460
Potato House, The	.5690
Sharp Co., K. K.	.2173
Sun Valley Packing Co.	1.6287
Valley Citrus Packing Co.	2.9314

[F. R. Doc. 46-22024; Filed, Dec. 27, 1946;
12:32 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter V—Military Reservations and
National CemeteriesPART 501—LIST OF EXECUTIVE ORDERS,
PROCLAMATIONS AND PUBLIC LAND OR-
DERS AFFECTING MILITARY RESERVATIONS

ALASKA

CROSS REFERENCE: For revocation of Public Land Order 154 and partial revocation of Public Land Order 96 affecting the tabulation contained in § 501.1 of this part see Public Land Order 334 in the Appendix to Chapter I of Title 43, *infra*.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. 381]

PART 238—CERTIFICATES OF PUBLIC CON-
VENIENCE AND NECESSITY

TERMS, CONDITIONS AND LIMITATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 19th day of December 1946. Amendment No. 3 of § 238.3 of the Economic Regulations, "Terms, conditions and limitations of certificates of public convenience and necessity issued under section 401 of the act".

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 401 (f) thereof, and pursuant to the Administrative Procedure Act, particularly section 4 thereof, and deeming its action necessary and appropriate for the purposes of clarifying the meaning of certain conditions contained in certificates of public convenience and necessity, and more definitely defining the air transportation authorized and service to be rendered thereunder, hereby makes and promulgates the following interpretative regulation:

Effective immediately, paragraph (d) of § 238.3 is hereby amended by adding thereto, at the end thereof, the following:

§ 238.3 *Terms, conditions and limitations of certificates of public convenience and necessity issued under section 401 of the act.* * * *

(d) * * *

A condition or restriction in a certificate which has the effect of permitting the origination of a flight only at a certain point or points shall not be deemed to permit an increase in passenger or property carrying capacity (by change of gauge, substitution of equipment, addition of extra sections, or otherwise) on any such flight at any point other than a point at which the origination of such flight is authorized. A condition or restriction in a certificate which has the effect of permitting the termination of a flight only at a certain point or points shall not be deemed to permit a decrease in passenger or property carrying capacity on any such flight at any point other than a point at which the termination of such flight is authorized. With respect to a particular flight, a point shall not be deemed to be

beyond another specified point within the meaning of such condition or restriction unless the holder serves such other specified point on such flight or omits service thereto pursuant to regulation or other specific authorization (such as authority to render non-stop service, or to suspend service to such point) of the Board.

(52 Stat. 984, 988, as amended; 49 U. S. C. 425 (a), 48 (f))

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 46-21995; Filed, Dec. 30, 1946;
8:49 a. m.]

TITLE 17—COMMODITY AND
SECURITIES EXCHANGESChapter II—Securities and Exchange
CommissionPART 230—GENERAL RULES AND REGULA-
TIONS, SECURITIES ACT OF 1933

DEFINITION OF TERMS

The document set out below which appeared at 11 F. R. 14260 (§ 230.131) is hereby being reissued with an added footnote.

Adoption of rule defining, for certain purposes, "offer to sell", "offer for sale", "attempt or offer to dispose of" and "solicitation of an offer to buy" as used in section 2 (3) of the Securities Act of 1933 and statement of commission policy relating thereto.

Acting pursuant to the Securities Act of 1933, particularly sections 2 (3) and 19 (a) thereof, the Securities and Exchange Commission, deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act, hereby adopts § 230.131 (Rule 131). The Commission finds that the rule is primarily in the nature of an interpretation of certain provisions of section 2 (3) of the act; that it relieves restriction; that notice and public procedure pursuant to sections 4 (a) and (b) of the Administrative Procedure Act are unnecessary; and that the rule may be declared effective immediately pursuant to section 4 (c) of that act. Section 230.131 (Rule 131) shall provide as follows:

§ 230.131 *Definition, for certain purposes, of "offer to sell", "offer for sale", "attempt or offer to dispose of", and "solicitation of an offer to buy" as used in section 2 (3).* (a) Sending or giving to any person, before a registration statement becomes effective, a copy of the proposed form of prospectus filed as a part of such registration statement, shall not in itself constitute an "offer to sell", "offer for sale", "attempt or offer to dispose of", or "solicitation of an offer to buy" as used in section 2 (3) of the act, *Provided:*

(1) Such proposed form of prospectus contains substantially the information required by the act and the rules and regulations thereunder to be included in a prospectus for registered securities, or

contains substantially that information except for the omission of information with respect to the offering price, underwriting discounts or commissions, discounts or commissions to dealers, amount of proceeds, conversion rates, call prices, or other matters dependent upon the offering price, and

(2) Each page of every copy of such proposed form of prospectus contains the following statement printed in red ink in type as large as that used generally in the body thereof:

A registration statement relating to the securities referred to herein has been filed with the Securities and Exchange Commission, but has not yet become effective. Information contained herein is for informative purposes only, and is subject to correction and change without notice. Under no circumstances is it to be considered a prospectus, or as an offer to sell, or the solicitation of an offer to buy the securities referred to herein. No offer to buy or sell any such securities should be made and no order to purchase the securities herein referred to will be accepted unless and until a registration statement under the Federal Securities Act of 1933 relating to the securities herein referred to has become effective.

(b) This rule shall not apply to sending or giving of any proposed form of prospectus if, at the time such proposed form of prospectus is sent or given to any person, the registration statement is the subject of pending proceedings under section 8 (b), 8 (d), or 8 (e) of the act, or of an order entered under any of such sections. [Rule 131] (Secs. 2 (3) and 19 (e), 48 Stat. 74, 85; 15 U. S. C. 77b, 77s) (Effective December 6, 1946)¹

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 46-22019; Filed, Dec. 30, 1946;
8:46 a. m.]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

STATEMENTS OF COMMISSION RELATING TO DEFINITION OF TERMS

The document set out below (§ 231.3177) which appeared at 11 F. R. 14260 as § 230.131a is hereby being reissued as § 231.3177.

§ 231.3177 *Statements of the Commission accompanying adoption of § 230.131 (Rule 131).* Section 230.131 of this chapter is to be effective for a trial period of six months from December 6, 1946, during which time its operation will be closely studied by the Commission to determine whether it should be continued, modified, or rescinded.

Section 8 (a) of the act, in outlining the conditions under which the Commission may accelerate the effectiveness of a registration statement, requires the Commission to consider whether adequate information respecting the issuer has been available to the public. The Commission, in considering requests for

acceleration of the effective date of registration statements, will consider whether adequate dissemination has been made of copies of the proposed form of prospectus, as permitted by § 230.131 of this chapter. The determination of what constitutes adequate dissemination must, of course, remain a question of fact in each case after consideration of all pertinent factors. It would, however, involve as a minimum the distribution, a reasonable time in advance of the anticipated effective date, of copies of such proposed form of prospectus to all underwriters and dealers who may be invited to participate in the distribution of the security. However, the granting of acceleration will not be conditioned upon the distribution of such copies in any state where their distribution would be illegal. In this connection, any registrant or underwriter may, before distributing such copies, obtain from the Commission's staff an opinion whether the proposed distribution of copies would be deemed adequate.

The Commission will continue its policy enunciated in 17 CFR 231.3061 (Securities Act Release No. 3061), of refusing acceleration where materially inaccurate or inadequate red herrings (copies of proposed form of prospectus) have been circulated until corrected information has been communicated to those persons receiving the red herring. [Securities Act Release No. 231.3177, December 6, 1946] (48 Stat. 74, 85; 15 U. S. C. 77b (3), 77s)

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 46-22020; Filed, Dec. 30, 1946;
8:45 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter A—The Department and the Foreign Service

[Dept. Reg. 108.37]

PART 1—ORGANIZATION

ASSISTANT SECRETARY (FOR ADMINISTRATION)

Under authority contained in R. S. 161 (5 U. S. C. 22) and pursuant to section 3 of the Administrative Procedure Act of 1946 (60 Stat. 237), Title 22 of the Code of Federal Regulations is hereby amended as follows:

Section 1.2 (g) (6), as amended by Departmental Regulation 108.31 of November 5, 1946 (11 F. R. 13438), is amended to read:

§ 1.2 *Basic organization of the Department in Washington.* * * *

(g) *Offices of the Department.* * * *

(6) *Under the Assistant Secretary (for Administration).* Office of Departmental Administration, comprising:

Director, Deputy Director, and Executive Officer;
Division of Management Planning;
Division of Departmental Personnel;
Division of Central Services;
Division of Coordination and Review;

Division of Communications and Records;
Division of Cryptography;
Central Translating Division;
Presentation Division;
Division of Protocol;
Division of International Conferences.
Director General of the Foreign Service,
Deputy Director General of the Foreign Service (The Deputy Director General of the Foreign Service is the Director, Office of the Foreign Service).

Office of the Foreign Service, comprising:

Director, Deputy Director, and Executive Officer;
Corps of Foreign Service Inspectors;
Division of Foreign Service Planning;
Division of Foreign Service Administration;
Division of Foreign Service Personnel;
Division of Training Services;
Division of Foreign Reporting Services;
Division of Foreign Buildings Operations.

Office of Budget and Finance, comprising:

Director, Deputy Director, and Executive Officer;
Division of Budget;
Division of Finance;
UNRRA Division.

Office of Controls, comprising:

Director, Deputy Director, and Executive Officer;
Passport Division;
Visa Division;
Special Projects Division;
Division of Foreign Activity Correlation;
Division of Investigations;
Munitions Division.

This regulation will be effective on the date of its publication in the FEDERAL REGISTER.

(R. S. 161; 5 U. S. C. 22)

Approved: December 30, 1946.

[SEAL] JAMES F. BYRNES,
Secretary of State.

[F. R. Doc. 46-22074; Filed, Dec. 30, 1946;
11:57 a. m.]

Chapter II—Commissions, Boards, Institutes, and Foundations

[Dept. Reg. 108.36]

REDESIGNATION OF CHAPTERS

DECEMBER 23, 1946.

Pursuant to R. S. 161 (5 U. S. C. 22) and the Administrative Procedure Act of 1946 (60 Stat. 237), Title 22 of the Code of Federal Regulations is hereby amended by changing the heading of Chapter II to read "Commissions, Boards, Institutes, and Foundations"; by incorporating in the chapter all the parts now comprising Chapters II, IV, V, and VI, as indicated hereunder; and, conformably, by eliminating entirely the present Chapters IV, V, and VI.

Subchapter A—International Joint Commission, United States and Canada: To comprise present Part 501 of Chapter II, under a new part heading "Rules of Procedure".

Subchapter B—International Boundary Commission, United States and Mexico: To comprise present Part 506 of Chapter II, under a part heading reading "Rules and Regulations for the Maintenance and Preservation of the Rio

¹ See 17 CFR 231.3177, *infra*, for statements accompanying the promulgation of this rule.

Grande Rectification Project in the El Paso-Juarez valley".

Subchapter C—American Mexican Claims Commission: To comprise present Part 600 of Chapter II, under a new part number "603" and a new part heading "Rules and Regulations" with sections renumbered to accord.

Subchapter D—Medal for Merit Board: To comprise present Part 800 of Chapter IV, under the same part heading.

Subchapter E—Institute of Inter-American Affairs: To comprise present Part 900 of Chapter V, under the same part heading.

Subchapter F—Inter-American Educational Foundation, Inc.: To comprise present Part 1000 of Chapter VI, under the same part heading.

This regulation will become effective immediately upon publication in the FEDERAL REGISTER.

Approved: December 23, 1946.

[SEAL]

JAMES F. BYRNES,
Secretary of State.

[F. R. Doc. 46-22036; Filed, Dec. 30, 1946;
8:45 a. m.]

Subchapter C—American Mexican Claims Commission

ORGANIZATION AND PROCEDURE

Pursuant to the Settlement of Mexican Claims Act of 1942, as amended by the Act of 1945 (56 Stat. 1058; 59 Stat. 49), and the Administrative Procedure Act of 1946 (60 Stat. 237), the American Mexican Claims Commission hereby publishes its organization and procedure under Title 22 of the Code of Federal Regulations as follows:

PART 601—ESTABLISHMENT, LOCATION, AND ORGANIZATION

Sec.

- 601.1 Establishment and location.
601.2 Organization.

AUTHORITY: §§ 601.1 to 601.2 inclusive, issued under 56 Stat. 1058, 59 Stat. 49, Pub. Law 404, 79th Cong., 60 Stat. 237, 10 U. S. C. Sup. 661.

§ 601.1 *Establishment and location.* This Commission was established by the Settlement of Mexican Claims Act of 1942, Public Law No. 814, approved December 18, 1942. Under section 5 of the Joint Resolution approved April 3, 1945 (Public Law 29), amending the act of 1942, the authority of the Commission is to terminate at the expiration of four years after the date (April 5, 1943) on which its members took office. Accordingly, the Commission is due to terminate April 5, 1947, unless an earlier termination date be fixed by the President.

The Commission's offices are located at Rooms 550-559, Walker-Johnson Building, 1734 New York Avenue, Northwest, Washington, D. C. There are no field offices of the Commission, and no delegation of its final authority.

§ 601.2 *Organization.* Besides the three Commissioners, there is a General Counsel, a legal staff of five attorneys, a Secretary, and a stenographic and clerical staff of six.

PART 602—FUNCTIONS AND PROCEDURE

Sec.

- 602.1 Categories of claims.
602.2 Procedure.

AUTHORITY: §§ 602.1 to 602.2, inclusive, issued under 56 Stat. 1058, 59 Stat. 49, Pub. Law 404, 79th Cong., 60 Stat. 237; 10 U. S. C. Sup. 661.

§ 602.1 *Categories of claims.* (a) Section 3 (a) of the act of 1942, defines the following categories of claims of American nationals which the Commission is authorized to examine and finally decide:

(1) Agrarian claims which arose between January 1, 1927, and August 30, 1927, inclusive, and which were not filed with the General Claims Commission established pursuant to the Convention between the United States and Mexico signed September 8, 1923 (43 Stat. 1730);

(2) Agrarian claims which are predicated upon provisional expropriation decrees signed between August 31, 1927, and December 1, 1933, inclusive, but not published prior to December 1, 1933, and which were not filed with the Agrarian Claims Commission established pursuant to the agreement between the United States and Mexico effected by exchange of notes signed on November 9 and November 12, 1938, respectively;

(3) Agrarian claims which arose between December 1, 1938, and October 6, 1940, inclusive, and which were not filed with the Agrarian Claims Commission on or before July 31, 1939;

(4) All other claims which arose between January 1, 1927, and October 6, 1940, inclusive, and which involve international responsibility of the Government of Mexico as a consequence of damage to, or loss or destruction of, or wrongful interference with, property of American nationals; except (i) claims predicated upon acts of Mexican authorities in relation to petroleum properties; and (ii) claims which were not filed with the General Claims Commission prior to August 31, 1927, and which are predicated upon default of payment of the principal or interest on bonds issued or guaranteed by the Government of Mexico;

(5) Claims or parts of claims which were filed with the General Claims Commission, and also with the Special Claims Commission, established pursuant to the Convention between the United States and Mexico signed September 10, 1923 (43 Stat. 1722) and with respect to which no final determination on the merits has been made; and

(6) Any claim in which a decision was not rendered by the General Claims Commission in conformity with the rules of procedure adopted by such Commission.

(b) Claims under paragraph (a) (1) through (5), inclusive, of this section are required to be decided upon the basis of documentary evidence and written legal contentions, and upon such independent investigation as the Commission may deem it advisable to make.

(c) Claims under paragraph (a) (6) of this section are required to be decided on the basis of the record before the General Claims Commission.

§ 602.2 *Procedure.* (a) The Commission is also required by section 4 of the act to notify each claimant or his attorney by registered mail of (1) the appraisals made by the Commissioner designated by the United States in those cases in which the two Commissioners designated by the United States and Mexico, respectively, pursuant to the General Claims Protocol between the United States and Mexico, signed April 24, 1934, failed to reach agreements, and (2) the appraisals made by the Commissioner designated by the United States pursuant to the Agrarian Claims Agreement of 1938.

(b) Section 4 of the Act requires the Commission to enter an award, on the basis of the appraisal, in any case (1) where claimant fails to notify the Commission in writing, within 30 days after the mailing of notice, that a petition for review by the Commission will be filed, (2) where claimant notifies the Commission in writing within such period that the appraisal is accepted as final and binding, or (3) where, although notice of petition for review is filed, no such petition is filed within the period prescribed therefor, 45 days, subject to possible extension for good cause shown.

(c) With respect to any claim in which a petition for review is filed, the Commission has discretion under section 4 of the Act either to grant a review and render final decision therein, or to deny a review and to enter and certify an award on the basis of the appraisal in such claim. If a review be granted, the Commission is authorized to receive additional evidence in any claim in which it is established to the satisfaction of the Commission that it was impossible for either the claimant or his attorney, despite the exercise of due diligence, to obtain and file such evidence within any period prescribed for such filing by or in accordance with the applicable agreements between the Government of the United States and the Government of Mexico, or by or in accordance with the applicable rules adopted pursuant to such agreements. Written legal contentions are also considered in connection with petitions for review.

(d) Section 5 (a) of the act requires that all claims decided by the Commission shall be decided in accordance with the applicable provisions of the Convention of September 8, 1923, the Convention of September 10, 1923, or the Agrarian Claims Agreement of 1938, as the case may be; and all claims decided by the Commission which are not within the purview of either of such conventions or such agreement shall be decided in accordance with the applicable principles of international law, justice and equity.

(e) Section 5 (c) of the act authorizes the Commission to determine attorneys' fees in any claim in which an award is made, if a written request therefor be made by the claimant or his attorney. Such fee is limited to 10 per centum of the award unless in special circum-

stances the Commission finds that a larger fee is just and reasonable.

Approved: December 23, 1946.

For the Commission.

JAMES A. LANGSTON,
Secretary.

[F. R. Doc. 46-21953; Filed, Dec. 30, 1946;
8:45 a. m.]

Chapter IV—Medal for Merit Board

PART 800—REGULATIONS GOVERNING THE MEDAL FOR MERIT

TERMINATION OF CHAPTER AND TRANSFER OF PARTS

CROSS REFERENCE: For termination of Chapter IV, and transfer of Part 800 to Subchapter D of Chapter II, see F. R. Doc. 46-22036 under Chapter II of this title, *supra*.

Chapter V—The Institute of Inter- American Affairs

PART 900—ORGANIZATION

TERMINATION OF CHAPTER AND TRANSFER OF PART

CROSS REFERENCE: For termination of Chapter V, and transfer of Part 900 to Subchapter E of Chapter II, see F. R. Doc. 46-22036 under Chapter II of this title, *supra*.

Chapter VI—Inter-American Educational Foundation, Inc.

PART 1000—ORGANIZATION

TERMINATION OF CHAPTER AND TRANSFER OF PART

CROSS REFERENCE: For termination of Chapter VI, and transfer of Part 1000 to Subchapter F of Chapter II, see F. R. Doc. 46-22036 under Chapter II of this title, *supra*.

TITLE 29—LABOR

Chapter IV—Child Labor and Youth Employment Branch, Department of Labor

[Order 4]

PART 422—OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT BE- TWEEN 16 AND 18 YEARS OF AGE OR DET- RIMENTAL TO THEIR HEALTH AND WELL BEING

CHILD LABOR IN LOGGING OCCUPATIONS

Section 422.4 which appeared at 6 F. R. 3148, 7 F. R. 7198, 8 F. R. 8694, 9 F. R. 12579, 11 F. R. 177A-346 is hereby being republished to reflect the revised internal designations of the paragraphs:

§ 422.4 *Logging occupations and occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill—(a) Finding and declaration*

of fact. All occupations in logging and all occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill are particularly hazardous for the employment of minors between 16 and 18 years of age, except the following:

(1) Work in offices or in repair or maintenance shops.

(2) Work in the operation or maintenance of living quarters.

(3) Work in timber cruising, surveying, or logging-engineering parties, provided that no work in the construction of roads or railroads is performed.

(4) Work in forest protection, such as clearing fire trails or roads, piling and burning slash, maintaining fire-fighting equipment, constructing or maintaining telephone lines, or acting as fire lookout.

(5) Work in the feeding or care of animals used in logging. [Par. (a) effective August 1, 1941, 6 F. R. 3149]

(b) *Definitions.* As used in this section:

(1) The term "all occupations in logging" shall mean all work performed in connection with the felling and bucking of timber into logs or converting of timber into poles, piles, ties, bolts, or similar products; the collecting, loading, transporting, or unloading of such products in connection with logging; the constructing and maintaining of roads, railroads, flumes, or camps used in connection with logging; the moving and installing of machinery or equipment used in logging, and other work performed in connection with logging. The term shall not apply, however, to such occupations when carried on in connection with the logging of pulpwood or other wood similar in size to pulpwood, including excelsior wood, chemical wood, and cordwood, unless such logging is done in conjunction with and at the same time and place as logging covered by the order; nor shall the term apply to work performed in timber culture, timber-stand improvement, or in emergency fire-fighting. [Subpar. (1) effective Aug. 1, 1941, amended Oct. 13, 1944, 6 F. R. 3149, 10 F. R. 12580]

(2) The term "all occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill" shall mean all work performed in or about any such mill in connection with converting logs into rough lumber; converting logs, bolts, or scrap wood into laths, shingles, or cooperage stock; storing logs, bolts, or scrap wood; or storing, drying or shipping of lumber, laths, shingles, cooperage stock, or other products or such mills. The term shall not include work performed in the planing-mill department or other remanufacturing departments of any sawmill. [Subpar. (2) effective August 1, 1941, 6 F. R. 3149]

(c) *Higher standards.* This section shall not justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established herein. [Par. (c) effective August 1, 1941, 6 F. R. 3149]

(d) *Exceptions.* (1) Notwithstanding the provisions of paragraph (a) of this

section, during the continuance of the present war and for six months after the termination thereof this section shall not apply to saw filing, except in connection with logging operations; packing shingles, straightening, marking, tallying; or pulling lumber from the dry chain, the drop sorter, or the green chain (other than the pulling of lumber larger than 1 inch by 6 inches in size from the green chain); unstacking from the dry kiln; clean-up in the lumber yard; or the handling or shipping of dry lumber or of lumber products in yards or sheds of sawmills, lath mills, shingle mills, or cooperage-stock mills excepting the operation of cranes, lumber carriers, and other power-driven equipment, and the occupation of crane hooker. [Subpar. (1) effective Sept. 12, 1942, 7 F. R. 7198]

(2) Notwithstanding the provisions of paragraph (a) of this section, during the continuance of the present war and for six months thereafter, unless the effective period of this amendment is terminated prior thereto by order of the Secretary of Labor, this section shall not apply to the following logging occupations: Repair or maintenance of equipment; work as fire patrolman or watchman; log scaling on trucks when performed away from a landing or log dump; peeling or loading of posts of sizes ordinarily used for fencing; driving of animals; and the construction, repair or maintenance of roads, railroads, flumes or camps: *Provided*, That the provisions of this subparagraph shall not apply to the felling or bucking of trees, the operation of machinery, the handling or use of explosives, the lifting and placing of ties or rails, and work on trestles. [Subpar. (2) became effective June 25, 1943, 8 F. R. 8694]

(Sec. 3 (1), 51 Stat. 1061; 29 U. S. C., Sup., 203 (1))

TITLE 32—NATIONAL DEFENSE

Chapter XI—Office of Temporary Con- trols, Office of Price Administration

PART 1305—ADMINISTRATION

[Rev. Gen. RO 5; Amdt. 17]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Revised General Ration Order 5 is amended in the following respects:

1. Section 5.3 (b) is amended to read as follows:

(b) Applications for allotments are to be made to the District Office in person or by mail, during the first fifteen (15) days of each allotment period on OFA Form R-1309 (Revised). (Applications for supplemental allotments may, however, be made at the times and under the conditions specified in Article XI.)

¹ 11 F. R. 116.

2. Section 9.1 (c) is amended to read as follows:

(c) Only one ration check may be issued, regardless of the size of the allotment. A ration check shall not be issued for a fraction of a pound. If the fraction is one-half pound or more, the check shall be issued to the next higher pound.

This amendment shall become effective January 4, 1947.

Issued this 30th day of December 1946.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Rationale Accompanying Amendment No. 17 to Revised General Ration Order 5

Present regulations. The present regulations provide that the District Office shall issue institutional user allotments on and after the sixteenth day of the allotment period.

The present regulations also provide that an institutional user, who is entitled to have a ration bank account but who does not have one, may receive not more than six ration checks, regardless of the size of his allotment.

Proposed amendment. This amendment deletes the requirement that District Offices shall issue allotments on and after the sixteenth day of the allotment period.

This amendment also provides that only one ration check shall be issued, regardless of the size of the allotment.

Reason for amendment. Issuances of evidences to all users are now being made by Regional Offices rather than by Sugar Branch Offices (formerly District Offices). With this change in issuance procedure, it is more advisable, in order to avoid confusion and error, to permit issuance of only one ration check to institutional users and to permit issuance of allotments to be made as soon as an application is received and processed rather than on or after the sixteenth day as previously required.

[F. R. Doc. 46-22070; Filed, Dec. 30, 1946; 11:21 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 202—ANCHORAGE REGULATIONS

ANCHORAGE GROUND, BRUNSWICK RIVER, N. C.

Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), an anchorage ground is hereby established in Brunswick River, North Carolina, for the vessels of the United States Maritime Commission. Section 202.42 is hereby prescribed as follows:

§ 202.42 *Brunswick River near Wilmington, N. C.*—(a) *The anchorage ground.* All of that portion of Brunswick River, a tributary of Cape Fear River west and southwest of Wilmington, North Carolina, from its mouth northward to the North Carolina State Highway and Public Works Commission

bridge on U. S. Route No. 74, a distance of about 2.75 nautical miles.

(b) *The regulations.* (1) All vessels and other watercrafts, except such as are authorized by the United States Maritime Commission, shall keep clear of the above-described anchorage ground at all times.

(2) These regulations shall be enforced by the United States Maritime Commission, Washington, D. C., and such agencies as it may designate.

[Regs. 9 Dec. 1946 (Brunswick River, N. C.)—ENGWR] (38 Stat. 1053; 33 U. S. C. 471)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 46-21996; Filed, Dec. 30, 1946; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 334]

ALASKA

WITHDRAWAL OF PUBLIC LANDS

Revoking Executive Order No. 2537 withdrawing public lands for the use of the Navy Department as a distant control receiving station; revoking Public Land Order No. 154 and partially revoking Public Land Order No. 96 withdrawing public lands for the use of the War Department for military purposes; withdrawing public lands for use of the Department of Agriculture for highway purposes.

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897, 30 Stat. 11, 36 (U. S. C., Title 16, sec. 473), and otherwise, and pursuant to Executive Order No. 9337 of April 24, 1943, *It is ordered as follows:*

SECTION 1. Executive Order No. 2537 of February 21, 1917, Public Land Order No. 154 of July 29, 1943, and Public Land Order No. 96 of March 16, 1943, so far as the last-named order affects any of the lands described in section 2 of this order, are hereby revoked.

SEC. 2. Subject to valid existing rights, the public lands within the following-described area are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of Agriculture for highway purposes:

CORDOVA TO CORDOVA AIRFIELD

A strip of land 200 feet wide, 100 feet on each side of the center line of the former Copper River and Northwestern Railroad shown on map designated "Directive Maps—December 15, 1942—Office of Chief Engineer Cordova Alaska" on file in the Bureau of Land Management, Washington, D. C., file No. 1906338, the terminal points being described as follows:

Beginning at a point on the south line of U. S. Survey No. 449 station 61+95, thence southeasterly and easterly as shown on said map to station 686+41.4 or Mile 13.

The withdrawal made by this order is subject to the Proclamation of July 23, 1907 (35 Stat. 2149), establishing the Chugach National Forest, as modified by the Proclamation of May 29, 1925 (44 Stat. 2577).

It is intended that the land outside of the Chugach National Forest shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

DECEMBER 19, 1946.

[F. R. Doc. 46-21982; Filed, Dec. 30, 1946; 8:49 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

PARTS 72¹, 75¹ AND 85²—TRANSPORTATION OF EXPLOSIVES

Subchapter B—Carriers by Motor Vehicle

PART 197—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MOTOR CARRIER SAFETY REGULATIONS

In the matter of regulations governing the transportation of explosives and other dangerous articles by motor vehicle. Ex Parte No. MC-13.

In the matter of regulations for transportation of explosives and other dangerous articles. No. 3666.

In the matter of need for establishing reasonable requirements to promote safety of operation of motor vehicles used in transporting property by private carriers. Ex Parte No. MC-3.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of December A. D. 1946.

It appearing, that an order herein on December 31, 1943 (49 CFR, 1944 Supp., 197.01), amended a prior order herein of April 20, 1943 (49 CFR, Cum. Supp., 197.01), by modifying the applicability rule, section 197.01 (a) and (b) of Part 7 of Motor Carrier Safety Regulations, Revised, covering the transportation of explosives and other dangerous articles in interstate, foreign, and intrastate commerce, by common, contract, and private carriers, and by granting certain exceptions thereto applicable to private carriers because of scarcity of labor, materials and equipment due to war conditions; and

It further appearing, that the effectiveness of the order of December 31, 1943 (49 CFR, 1944 Supp., 197.01), was extended to December 31, 1944; and was further extended to December 31, 1945, and to December 31, 1946, by the orders of December 30, 1944 (49 CFR,

¹ Part 3—Regulations applying to Shippers (CFR 75) Motor Vehicle Cargo Tank Specifications (CFR 72).

² Part 7—Regulations applying to shipments made by way of common, contract, or private carriers by public highway (CFR 85).

1945 Supp., Notes under Parts 71-85, 3 and 7, and 197.01), and of December 20, 1945 (11 F. R. 33), respectively; and

It further appearing, that upon showing by the American Petroleum Institute and the American Trucking Associations, Inc., the conditions which necessitated the order of December 31, 1943, and its extensions continue to exist and create a need for further extension of said order:

It is ordered, That pursuant to the authority of section 233 of the Transportation of Explosives Act (41 Stat. 1445; 18 U. S. C. 383), so far as common carriers by motor vehicles are concerned, and Section 204 of the Interstate Commerce Act (49 Stat. 546, 54 Stat. 921; 49 U. S. C. 304), as far as private carriers of property by motor vehicles and contract carriers by motor vehicles are concerned, the effectiveness of said order of December 31, 1943 (49 CFR, 1944 Supp., 197.01), be and it hereby is, extended until December 31, 1947, unless otherwise ordered by the Commission; and

It is further ordered, That this order shall be effective on and after December 31, 1946, and that notice hereof shall be given to motor carriers and the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(Sec. 233, 41 Stat. 1445; sec. 204, 49 Stat. 546, 54 Stat. 921; 18 U. S. C. 383, 49 U. S. C. 304)

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 46-21993; Filed, Dec. 30, 1946;
8:47 a. m.]

[S. O. 662]

PART 95—CAR SERVICE

CORN FOR EXPORT THROUGH GULF PORTS RESTRICTED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of December A. D. 1946.

It appearing, that there is a shortage of box cars for the transportation of all commodities, which will be aggravated during the coming months by weather conditions and that there is an urgent need to regulate transportation of corn in carloads to certain gulf ports for export by limiting the number of cars of corn permitted in those ports; the Commission is of opinion an emergency requiring immediate action exists to prevent further aggravation of the car shortage and undue delay to equipment. It is ordered, that:

§ 95.662 *Corn for export through Gulf ports restricted*—(a) *Movement of corn through certain Gulf ports restricted.* No common carrier by railroad subject to the Interstate Commerce Act shall accept for transportation, transport, or move any car loaded with export corn

consigned to any elevator or for direct delivery to a vessel in the port area of New Orleans, La., Port Arthur, Texas City, Galveston or Houston, Texas, unless the origin carrier has first obtained a permit from the permit agent appointed herein authorizing the movement of such corn in carloads into such port.

(b) *Appointment of Permit Agent.* (1) Mr. F. S. Keiser, Room 725, 209 South Wells St., Chicago, Ill., is hereby designated and appointed as Permit Agent of this Commission and authorized to issue permits required by this section.

(c) *Application.* The provisions of this section shall apply to foreign commerce as well as interstate commerce.

(d) *Effective date.* This section shall become effective at 12:01 a. m., December 28, 1946.

(e) *Expiration date.* This section shall expire at 11:59 p. m., February 10, 1947, unless otherwise modified, changed, suspended, or annulled by order of the Commission.

It is further ordered, that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 46-21994; Filed, Dec. 30, 1946;
8:49 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Land Management.

[Misc. 2073857]

NEW MEXICO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

DECEMBER 13, 1946.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g), the lands hereinafter described have been reconveyed to the United States.

At 10:00 a. m. on February 14, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from February 14, 1947, to May 15, 1947, inclusive, the public lands affected by this order shall be subject to (1) application

under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from January 25, 1947, to February 14, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on February 14, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on May 16, 1947 any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous nonpreference right filings.* Applications by the general public may be presented during the 20-day period from April 26, 1947, to May 16, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on May 16, 1947 shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Santa Fe, New Mexico, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Santa Fe, New Mexico.

The lands affected by this order are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 17 N., R. 3 W.,
Sec. 2, S½SW¼;
Sec. 11, N½NW¼.

The area described contains 160 acres.
The land, which lies in Grazing District No. 1, is in the sandstone and shale hills west of the Puerco River and is rolling in character. There is no spring or water on the land.

FRED W. JOHNSON,
Acting Director.

[F. R. Doc. 46-21981; Filed, Dec. 30, 1946;
8:46 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5914]

SAFE HARBOR WATER POWER CORPORATION
NOTICE OF ORDER DENYING APPLICATIONS FOR
REHEARING AND STAY OF ORDER REDUCING
RATES, AND MODIFYING OPINION

DECEMBER 26, 1946.

Notice is hereby given that, on December 24, 1946, the Federal Power Commission issued its order denying applications for rehearing and stay of order reducing rates, and modifying opinion, entered December 23, 1946, in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 46-21991; Filed, Dec. 30, 1946;
8:50 a. m.]

[Docket Nos. IT-6017, IT-6018]

ST. ANTHONY FALLS WATER POWER CO.
AND MINNEAPOLIS MILL CO.

NOTICE OF ORDER EXTENDING TIME FOR
COMPLIANCE WITH ORDERS TO SHOW
CAUSE

DECEMBER 26, 1946.

In the matters of St. Anthony Falls Water Power Company and Minneapolis Mill Company, Docket No. IT-6017; and St. Anthony Falls Water Power Company, Docket No. IT-6018.

Notice is hereby given that, on December 24, 1946, the Federal Power Commission issued its order extending time for compliance with orders to show cause, entered December 23, 1946, in the above-designated matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 46-21992; Filed, Dec. 30, 1946;
8:50 a. m.]

DEPARTMENT OF JUSTICE.

Office of Alien Property.

PAUL NICKELSBURG

NOTICE OF INTENTION TO RETURN VESTED
PROPERTY

Pursuant to Section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting order No.	Property	Location
Paul Nickelsberg, Springfield, Mass.	4682	201 (S F. R. 625)...	United States Letters Patent No. 2,200,365.	Washington, D. C.

Executed at Washington, D. C., on December 23, 1946.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 46-22007; Filed, Dec. 30, 1946; 8:49 a. m.]

FRANZ SCHATZKY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting order No.	Property	Location
Franz Schatzky, New York, N. Y.	A-322	201 (S F. R. 625)...	United States Letters Patent No. 2,070,753.	Washington, D. C.

Executed at Washington, D. C., on December 23, 1946.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 46-22008; Filed, Dec. 30, 1946; 8:49 a. m.]

ARTHUR SELIGMAN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting order No.	Property	Location
Arthur Seligman, New York, N. Y.	A-292 and 5495...	201 (S F. R. 625)...	U. S. Letters Patent No. 1,968,318.	Washington, D. C.
Arthur Seligman.....	A-293 and 5495.....	do.....	U. S. Letters Patent No. 1,870,265.	Do.
Do.....	A-294 and 5495.....	do.....	U. S. Letters Patent No. 2,014,701.	Do.
Do.....	A-299 and 5495.....	do.....	U. S. Letters Patent No. 1,574,119.	Do.
Do.....	A-300 and 5495.....	do.....	U. S. Letters Patent No. 1,599,681.	Do.
Do.....	5495.....	do.....	U. S. Letters Patents Nos. 1,573,752 and 1,615,597.	Do.

Executed at Washington, D. C., on December 23, 1946.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 46-22009; Filed, Dec. 30, 1946; 8:49 a. m.]

ARNOLD JANOWITZ

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting order No.	Property	Location
Arnold Janowitz, New York, N. Y.	A-291	201 (S F. R. 625)...	U. S. Letters Patent No. 2,148,624.	Washington, D. C.

Executed at Washington, D. C., on December 23, 1946.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 46-22006; Filed, Dec. 30, 1946; 8:48 a. m.]

MAX JACOBY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions.

Claimant	Claim No.	Vesting order No.	Property	Location
Max Jacoby, New York, N. Y.	A-197	201 (8 F. R. 625)...	United States Letters Patent No. 2,231,580.	Washington, D. C.

Executed at Washington, D. C., on December 23, 1946.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 46-22005; Filed, Dec. 30, 1946; 8:48 a. m.]

DELAMERE CO., INC.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting order No.	Property	Location
Delamere Co., Inc., Jersey City, N. J.	A-380	201 (8 F. R. 625)...	United States Letters Patent No. 1,836,899.	Washington, D. C.

Executed at Washington, D. C., on December 23, 1946.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 46-22004; Filed, Dec. 30, 1946; 8:48 a. m.]

NORBERT BERNHEIMER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting order No.	Property	Location
Norbert Bernheimer, Waterville, Maine.	A-313	201 (8 F. R. 625)...	U. S. Letters Patent No. 2,140,653.	Washington, D. C.

Executed at Washington, D. C., on December 23, 1946.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 46-22003; Filed, Dec. 30, 1946; 8:47 a. m.]

JAMES P. ROBINSON

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting order No.	Property	Location
James P. Robinson, San Francisco, Calif.	5228	1031 (8 F. R. 4207).	U. S. Patent No. 2,410,460.....	Washington, D. C.

Executed at Washington, D. C., on December 23, 1946.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 46-22002; Filed, Dec. 30, 1946; 8:47 a. m.]

[Vesting Order 7927]

FRED T. SHIOMI

In re: Stocks and bonds owned by and debt owing to Fred T. Shiomi. F-39-1637-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fred T. Shiomi, whose last known address is 258 Kozoto-Mura, Nii-Gun, Ehime-Ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Forty (40) shares of no par value common capital stock of General Electric Company, 1 River Road, Schenectady, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number NYD 708270 for thirty shares and certificate number NYD 707904 for ten shares, registered in the name of Fred T. Shiomi, presently in the custody of Sumitomo Bank of Seattle, Room 1210, 1411 Fourth Avenue Building, Seattle, Washington, together with all declared and unpaid dividends thereon,

b. Twenty-six (26) shares of no par value common capital stock of Radio Corporation of America, RCA Building, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number 137001 for twenty shares and certificate number 469718 for six shares, registered in the name of Fred T. Shiomi, presently in the custody of Sumitomo Bank of Seattle, Room 1210, 1411 Fourth Avenue Building, Seattle, Washington, together with all declared and unpaid dividends thereon,

c. Two Imperial Japanese Government 5½% bonds, of \$1000 face value each, bearing the numbers 926 and 934, registered in the name of Fred T. Shiomi, 258 Kozoto - Mura, Nii - Gun, Ehime - Ken, Japan, presently in the custody of Sumitomo Bank of Seattle, Room 1210, 1411 Fourth Avenue Building, Seattle, Washington, together with any and all rights thereunder and thereto, and

d. That certain debt or other obligation, owing to Fred T. Shiomi, by Sumitomo Bank of Seattle, Room 1210, 1411 Fourth Avenue Building, Seattle, Washington, in the amount of \$35.65, as of December 31, 1945, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 50 U. S. C. App. 1; 55 Stat. 839, 50 U. S. C. App. Sup. 616; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong.; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on December 18, 1946.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 46-22001; Filed, Dec. 30, 1946; 8:47 a. m.]

[Vesting Order 7923]

SELMA MAHRENHOLZ ET AL.

In re: Bank account owned by Selma Mahrenholz and the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Paul Eberlein, deceased. F-28-9593-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Selma Mahrenholz, whose last known address is Poessneck, Thuringen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Paul Eberlein, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of The City National Bank & Trust Company of Columbus, 20 East Broad Street, Columbus 15, Ohio, arising out of a trust department account, entitled Paul Eberlein and Selma Mahrenholz, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Selma Mahrenholz and the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Paul Eberlein, deceased, the aforesaid nationals of a designated enemy country (Germany); and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the personal representatives, heirs, next of kin, legatees and distributees of Paul Eberlein, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 50 U. S. C. App. 1; 55 Stat. 839, 50 U. S. C. App. Sup. 616; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong.; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on December 18, 1946.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 46-21999; Filed, Dec. 30, 1946; 8:47 a. m.]

[Vesting Order 7925]

ALBERT AND ARTHUR PINCUS

In re: Bank account owned by Albert Pincus and Arthur Pincus. F-28-23589-E-1, G-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albert Pincus and Arthur Pincus, whose last known addresses are 96197 Wilmersdorferstrasse, Berlin-Charlottenburg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Albert Pincus and Arthur Pincus, by Brookline Federal Savings & Loan Association, 1299 Beacon Street, Brookline, Massachusetts, arising out of a savings share account, Account Number 5964, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States

requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 50 U. S. C. App. 1; 55 Stat. 839, 50 U. S. C. App. Sup. 616; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong.; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on December 18, 1946.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 46-22000; Filed, Dec. 30, 1946; 8:47 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. SA-132]

ACCIDENT AT ABERDEEN, MD.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States registry NC 88813 and NC 54374 which occurred at Aberdeen, Maryland on December 19, 1946.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-mentioned proceeding that hearing is hereby assigned to be held on Wednesday, January 8, 1947 at 9:30 a. m. (local time), in the East Room on the 4th floor of the New Yorker Hotel, New York City.

Dated at Washington, D. C. December 26, 1946.

[SEAL] ROBERT W. CHRISP,
Presiding Officer.

[F. R. Doc. 46-21997; Filed, Dec. 30, 1946; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 812-445, 812-452, 812-454, 812-455]

CHICAGO CORP. ET AL.

NOTICE OF APPLICATION, STATEMENT OF ISSUES, ORDER FOR HEARING, ORDER CONSOLIDATING PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Penn-

sylvania, on the 24th day of December A. D. 1946.

In the matter of The Chicago Corporation, The Lindsay Corporation, American Furniture Mart Building Company, Inc., Loffland Brothers Company, and Insurors Indemnity & Insurance Company, File Nos. 812-445, 812-452, 812-454, 812-455.

Notice is hereby given that The Chicago Corporation ("applicant") has filed four applications pursuant to section 2 (a) (9) of the Investment Company Act of 1940 for an order of the Commission determining that the following corporations are not controlled by the applicant, namely, The Lindsay Corporation ("Lindsay"), American Furniture Mart Building Company, Inc. ("American"), Loffland Brothers Company ("Loffland"), and Insurors Indemnity & Insurance Company ("Insurors").

Applicant is a closed-end non-diversified management investment company registered under the Investment Company Act of 1940.

Applicant owns 102,857 shares or 30% of the \$1.00 par value common stock and 3,000 shares or 100% of the \$100 par value 5% cumulative preferred stock of Lindsay. The preferred stock of Lindsay is non-voting except in the event of non-payment of certain dividends. No arrearages now exist thereon and applicant presently owns and controls 30% of the voting stock of Lindsay.

Applicant owns 109,193 shares or 30.13% of the \$1.00 par value common stock and 3,794 shares or 10.71% of the \$6.00 cumulative preferred stock (no par value) of American. Since both classes have voting power, applicant presently owns and controls 28.40% of the voting stock of American.

Applicant owns 10,000 shares or 50% of the common (voting) stock, \$100 par value, of Loffland.

Applicant owns 1,250 shares or 50% of the capital (voting) stock, \$100 par value, of Insurors.

Section 2 (a) (9) provides, in part, that any person who owns beneficially more than 25 per centum of the voting securities of a company shall be presumed to control such company but such presumption may be rebutted by evidence. The applicant represents that it does not exercise control over Lindsay, American, Loffland or Insurors.

All interested persons are referred to said applications which are on file in the offices of the Commission for a more detailed statement of the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the applications, it deems the following issues to be raised thereby without prejudice to the specifications of additional issues upon further examination:

Whether the applicant exercises a controlling influence over the management or policies of Lindsay, American, Loffland or Insurors.

It appearing to the Commission that said applications present questions of law and fact common to each of said applications and that a hearing upon the applications is necessary and appropriate:

It is ordered, That the proceedings on the four applications be and the same are hereby consolidated; and

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid applications be held on January 8, 1947, at 10:00 a. m., eastern standard time, Room 318 in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That Robert Reeder, or any officer of officers of the Commission designated by it for that purpose, shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the above-named The Chicago Corporation, The Lindsay Corporation, American Furniture Mart Building Company, Inc., Loffland Brothers Company and Insurors Indemnity & Insurance Company, and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceeding should file with the Secretary of the Commission, on or before January 6, 1947, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid applications.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 46-21977; Filed, Dec. 30, 1946;
8:50 a. m.]

[File No. 812-465]

BANKERS SECURITIES CORP. ET AL.

NOTICE OF APPLICATION STATEMENT OF ISSUES ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Penna., on the 24th of December A. D., 1946.

In the matter of Bankers Securities Corporation, Diversified Realty Corporation, Asset Holding Company, United States Mortgage and Title Guaranty Company, Albert M. Greenfield & Co., Inc., Albert M. Greenfield & Co., Inc., Albert M. Greenfield & Co. of New Jersey, Mercantile and Theatre Properties, Inc., File No. 812-465.

Notice is hereby given that Bankers Securities Corporation ("Bankers"), Diversified Realty Corporation ("Diversified"), Asset Holding Company ("Holding Company"), United States Mortgage and Title Guaranty Company ("Title Guaranty"), Albert M. Greenfield & Co., Inc., Albert M. Greenfield & Co., Inc. and Albert M. Greenfield & Co. of New Jersey ("Greenfield Company") have filed an applica-

tion pursuant to section 6 (c) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 17 (e) (1) of the act the receipt by Greenfield Company of real estate brokerage commissions as follows:

(1) Application by Bankers, Diversified and Greenfield Company, jointly, in connection with the sale by Diversified of real estate situate at 2036 North Franklin Street, Philadelphia, Pennsylvania;

(2) Application by Bankers, Holding Company and Greenfield Company, jointly, in connection with the sale by Holding Company of real estate situate at 33 Washington Street and 117-121 Clinton Avenue, both in Newark, New Jersey;

(3) Application by Bankers, Title Company and Greenfield Company, jointly, in connection with the sale by Title Company of real estate situate at 6003 Monroe Place, West New York, New Jersey;

(4) Application by Bankers and Greenfield Company, jointly, in connection with the sale by Bankers of real estate owned jointly by Bankers and Mercantile and Theatre Properties, Inc. (a wholly owned subsidiary of Greenfield Company), situate at 2108 South Howard Street, 3811 Germantown Avenue, 3813 Germantown Avenue, 915-17 North Broad Street and 2106 South Cecil Street, all in the City of Philadelphia, Pennsylvania; and

in connection with future purchases and sales of real estate to or for Bankers or any of its controlled companies, application therefor being made by Bankers and Greenfield Company, jointly;

Bankers is a closed-end management nondiversified investment company and is registered under the Investment Company Act of 1940.

Diversified, Holding Company and Title Company are wholly owned subsidiaries of Bankers Bond and Mortgage Guaranty Company of America which is controlled by Bankers through its ownership of over 38% of that Company's outstanding voting securities. Diversified and Holding Company are real estate companies engaged in the business of purchasing, leasing and selling real estate. Title Company is a title insurance company also engaged in the business of purchasing and servicing real estate mortgages.

Greenfield Company which embraces Albert M. Greenfield & Co. and two of its wholly owned subsidiaries, Albert M. Greenfield & Co., Inc., of New York and Albert M. Greenfield & Co. of New Jersey, is engaged in the real estate management and brokerage business. Greenfield Company and Bankers are affiliated persons.

Greenfield Company as agent negotiated sales of the aforesaid real estate to non-affiliated purchasers for a brokerage commission of five percent of the sales price.

Payment of such commission is prohibited by section 17 (e) (1) of the act unless an exemption therefrom is granted by the Commission pursuant to section 6 (c). The applicants assert that an exemption is necessary or appropriate within the standards set forth in section 6 (c) of the act.

All interested persons are referred to said application which is on file in the office of this Commission for a more detailed statement of the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that, upon a preliminary examination of the application, it deems the following issues to be raised thereby without prejudice to the specification of additional issues upon further examination; (1) Whether and the extent to which an exemption from section 17 (e) (1) of the act so as to permit the receipt by Greenfield Company of a commission of 5% of the sales price in connection with the specific transactions hereinbefore referred to is necessary or appropriate in the public interest and consistent with the protection of investors and with the purposes fairly intended by the policy and provisions of the act and (2) Whether and the extent to which an exemption from section 17 (e) (1) of the act so as to permit the receipt by Greenfield Company of a commission of 5% of the sales price in connection with future purchases and sales of real estate to or for Bankers or any of its controlled companies is necessary or appropriate in the public interest and consistent with the protection of investors and with the purposes fairly intended by the policy and provisions of the act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on January 7, 1947 at 10:00 a. m. eastern standard time in Room 318 in the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia 3, Pennsylvania;

It is further ordered, That Robert Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the above-named Bankers Securities Corporation, Diversified Realty Corporation, Asset Holding Company, United States Mortgage and Title Guaranty Company, Albert M. Greenfield & Co., Inc., Albert M. Greenfield & Co. of New Jersey, Mercantile and Theatre Properties, Inc., and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to participate in said proceeding should file with the Secretary of the Commission, on or before January 5, 1947 his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he

deems raised by the aforesaid application.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 46-21978; Filed, Dec. 30, 1946;
8:50 a. m.]

[File No. 812-469]

AMERICAN GENERAL CORP. ET AL.

NOTICE OF APPLICATION, STATEMENT OF ISSUES AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 24th day of December A. D. 1946.

In the matter of American General Corporation, The Morris Plan Corporation of America, Union Trust Company of the District of Columbia, and The Citizens Bank of Washington, File No. 812-469.

Notice is hereby given that Union Trust Company of the District of Columbia (Union Trust) has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 (Act) for an order granting an exemption from the provisions of section 17 (a) of said act so as to permit Union Trust to purchase all the assets and property (except the corporate franchise and the lease upon the banking office) of The Citizens Bank of Washington (Citizens). The application states that the consideration for the proposed purchase shall consist of \$1,250,000 in cash and the assumption by Union Trust of the liabilities of Citizens. Union Trust and Citizens are both controlled by The Morris Plan Corporation of America (Morris Plan), which in turn is controlled by American General Corporation (American), a registered investment company. The proposed transaction involves the purchase by an affiliated person of an affiliated person of a registered investment company of the property of a company controlled by such registered investment company.

All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the matters of fact and law asserted.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on the third day of January, 1947, at 11:00 a. m., eastern standard time, in Room 318 of the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That Allen MacCullen, Esquire, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

The staff of the Corporation Finance Division of the Commission upon a preliminary examination of the application deems the following issues, to which attention will be directed at the hearing, to be raised thereby without prejudice to the specification of additional issues upon further examination:

(1) Whether the terms of the proposed transactions, including the consideration to be paid and received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) Whether the proposed transactions are consistent with the policy of American as recited in its registration statement and reports filed under the act; and

(3) Whether the proposed transactions are consistent with the general purposes of the act.

Notice of such hearing is hereby given to American General Corporation, The Morris Plan Corporation of America, Union Trust Company of the District of Columbia and The Citizens Bank of Washington, and to any other person or persons whose participation in such proceeding may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise wishing to participate in said proceeding should file with the Secretary of the Commission, on or before January 1, 1947, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 46-21980; Filed, Dec. 30, 1946;
8:50 a. m.]

[File No. 812-241]

TONOPAH MINING CO. OF NEVADA

NOTICE OF AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of December A. D. 1946.

Notice is hereby given that The Tonopah Mining Company of Nevada (applicant) has filed an application, as supplemented and amended, under section 3 (b) (2) of the Investment Company Act of 1940 for an order adjudging it to be excepted from the definition of an investment company contained in said act on the ground that it is primarily engaged in a business other than that of investing, reinvesting, owning, holding or trading in securities, namely, that of metal mining.

All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the matters of fact and law asserted.

The Corporation Finance Division has advised the Commission that upon a preliminary examination of the application, as supplemented and amended, and the evidence heretofore adduced, it deems the following issues to be raised thereby

without prejudice to the specifications of additional issues upon further examination:

(1) Whether applicant is an investment company within the definition contained in section 3 (a) (3) of the act, and

(2) Whether applicant is primarily engaged in the business of metal mining so as not to be engaged primarily in the business of investing, reinvesting, owning, holding or trading in securities.

The Commission having ordered hearing on July 2, 1943, upon the application as then supplemented and amended, which hearing as adjourned and reconvened on October 8, 1943, was duly held and closed, a second supplement and amendment to the application having thereafter been filed on October 25, 1946, and it appearing to the Commission that the reopening of the hearing upon the application as now supplemented and amended is necessary and appropriate

and that a further public notice should be given;

It is ordered, Pursuant to section 40 (a) of said act, that public hearing upon the aforesaid application, as supplemented and amended, be reopened and reconvened on the 14th day of January, 1947, at 10:30 a. m. eastern standard time, in Room 318 of the Offices of the Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That Robert P. Reeder, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be necessary or appropriate in the public interest or for the protection of investors. Any person desiring to be heard in said proceeding should file with the Secretary of the Commission, on or before January 12, 1947, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above matters or issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 46-21979; Filed, Dec. 30, 1946;
8:50 a. m.]